

The Planning Commission met in Council Chambers of the Town of James Island, 1238-B Camp Road, James Island, SC on Thursday, September 8, 2016 at 6:06 p.m. Commissioners present: Lyndy Palmer, Ed Steers, Zennie Quinn, and Chairman, David Bevon, who presided.

Also present: Kristen Crane, Planning Director, Councilmembers Leonard Blank, and Garrett Milliken, Attorney Bonum S. Wilson, Ashley Kellahan, Town Administrator, and Frances Simmons, Town Clerk and Secretary to the Planning Commission.

Call to Order: Chairman Bevon called the meeting to order at 6:06 p.m.

Prayer and Pledge: Chairman Bevon led in prayer and followed with the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chairman Bevon announced that this meeting was noticed in compliance with the South Carolina Freedom of Information Act.

Approval of August 11, 2016 Meeting Minutes: Chairman Bevon moved for approval of the August 11, 2016 meeting minutes; Commissioner Palmer seconded and passed unanimously.

Public Comments: The following persons spoke regarding the proposed amendments to the Town of James Island's Zoning and Land Development Regulations Ordinance (ZLDR) and the Livability Ordinance, adding provision for the keeping of chickens on residential property:

Melissa Dority, 753 Grimsley Drive: is in agreement with the Planning Commission's last recommendation to Town Council. She attended the last Town Council meeting and was surprised to see so many chicken enthusiasts on James Island. She believes there should be a variance for people who has more than 12 chickens. She doesn't need that many because her three are pets. The previous conditions to prohibiting roosters; keeping them in the backyard, and in a healthy and sanitary manner should be a part of what is decided.

Amy Fabri, 833 Stiles Drive: commented on how the ordinance is written; Section 90.16 Nuisance, states an animal that destroys property; disturbs rights or threatens safety. Her neighbor has chickens and the chickens attracts rats. She has spent thousands of dollars replacing personal property that rats have destroyed. She has a pool shed in her back yard and several years ago it was full of dead rats and feces. The rats had defecated and urinated on furniture that had to be replaced. The neighbor got rid of the chickens and the following year there were no issues. Ms. Fabri said they have recently moved back after a year of renovating and the chickens and the rats are back. She asked that the ordinance offer a provision to remedy situations such as this. The chickens are not destroying her personal property; the rats are. Currently, the only remedy in the ordinance is to file a civil suit, and she would have to prove that chickens attracting the rats is the reason her property is being destroyed. She asked that the number of chickens someone can have be determined by the size of the lot. She lives on a ¼ acre, and her neighbor has a lot of chickens. She commented that someone wanting to live on a farm should live on Wadmalaw; a suburban area is not the place for farm animals -- the neighbor also has a goat. Ms. Fabri suggested issuing a permit with the specific number of chickens someone may have and for the owner to comply with those regulations. Complaints can be filed with the Town's Code Enforcement to investigate. She again stated that rats have caused damage to her property that cost a lot of money to repair. She does not want to take a neighbor to court; but feels there should be remedy for enforcement and animal control.

Staff Comments: None

Introduction of New Planning Commissioner: Chairman Bevon introduced and welcomed new Planning Commissioner, Zennie Quinn. Commissioner Quinn will be serving former Commissioner Warren Sloane's unexpired term, which ends August 21, 2018.

Discussion of Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR) and the Livability Ordinance including:

1. Livability §90.01 and §90.17; ZLDR §153.211 and §153.013: Adding provisions for the keeping of chickens on residential property

Mrs. Crane said the Planning Commission's recommendation was sent to Town Council. After Town Council's review at its August 18th meeting, they remanded the following amendments to the Planning Commission to consider.

Amendment #1: One chicken per 2500 square feet is allowed per parcel, with a total maximum of twelve (12) chickens allowed per parcel regardless of lot size.

Amendment #2: One chicken per 2500 square feet is allowed per parcel, with a total maximum of twelve (12) chickens allowed per parcel regardless of lot size. If greater than twelve (12) chickens are to be housed in a residential zoning district, an approved chicken housing permit must be issued.

Mrs. Crane said a draft permit has been developed (copy in Commission's packet). The permit is an administrative procedure and does not require approval. Mrs. Crane said a clause was added that any violation of the Livability Ordinance can result in the permit being revoked.

Mrs. Crane answered the questions of the Planning Commission regarding complaint process, code enforcement, and the revocation of a permit if complaints were had. Attorney Wilson pointed out under (D) that chickens shall be maintained in a healthy and sanitary manner to avoid potential health hazards or offensive odors. Mrs. Crane said that will be added to the Livability Ordinance, and will also be a matter of code enforcement.

Chairman Bevon moved to accept Amendment #2 as presented; Commissioner Palmer seconded.

Commissioner Steers shared his love of pets by speaking about his Labs. He said the proposal is good and sets a definite number. On the internet, there are places where people have 4, 6, and perhaps 7. This is a good number and it appears to be the one that most people will fall under because of the size of their lots. It gives latitude and sets boundaries to respect people that don't have chickens and don't want them.

Chairman Bevon said at the last Town Council meeting, many people that attended spoke in favor of chickens. No one spoke against it other than about roosters. He thinks 98% of the people will fall within these limits and if someone wants more there is a permitting process the staff can determine whether they can handle. Chairman Bevon spoke in favor of Amendment #2, to change the Zoning and Land Development Regulations Ordinance and the Livability Ordinance. He then called for the vote on Amendment #2 and it passed unanimously.

Chairman Bevon announced that Town Council will hold a First Reading regarding the amendment with the Planning Commission's recommendation at its October 20th meeting. Second Reading will be held at Council's November 17th meeting.

Chairman's Comments: Chairman Bevon thanked Commissioner Zennie Quinn for his service to the Town.

Commissioners' Comments: None

Next Meeting Date: The next Planning Commission meeting will be held on Thursday, October 13, 2016 at 6:00 p.m.

Adjournment: There being no further business to come before the Planning Commission, the meeting adjourned at 6:24 p.m.